THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.24521 OF 2007

DATED: 19-11-2007

BETWEEN

Lingam Soma Sundar Rao,
S/o. Venkata Padma Raju,
R/o. Madhurawada,
Visakhapatnam Rural,
Visakhapatnam.

...PETITIONER

AND

District Collector,
Visakhapatnam and
two others.

...RESPONDENTS

ORDER:

Petitioner submits that the land in an extent of Ac.3.60 cents situated in Sy.No.368/3, Visakhapatnam Rural, Visakhapatnam is a patta land granted in his favour but not an assigned land. Accordingly, he filed an application before the Mandal Revenue Officer – second respondent for grant of patta but by mistake D-Form patta was granted as if the said land was an assigned land. On verification, the revenue authorities wanted to rectify the mistake, which was detected after obtaining copy of the M.D.R (Settlement of Faisalaithi Register) & 10(1) Adangal of the village; but the said mistake has not been rectified. Thereafter, when the respondents started interfering with the possession and enjoyment, petitioner and four others filed W.P.No.5510 of 2004 questioning the said action but the said writ petition was withdrawn in view of the admissions made at Paras 2 and 3 of the

counter filed by the MRO stating that the possession of the land which was taken and handed over to Visakhapatnam Urban Development Authority (VUDA) was withdrawn and restored the possession in favour of the petitioner.

2. Petitioner further submits that subsequently when VUDA attempted to interfere with his possession, he filed another writ petition in W.P.No.6828 of 2007 wherein the third respondent submitted that the respondents 1 and 2 handed over the possession of the said lands to VUDA and later on verification of settlement patta granted in favour of the petitioner, the same were withdrawn and the possession was restored to the petitioner. Recording the said submissions, the writ petition was disposed of. However, when the second respondent acted contrary to the statements made by him showing the lands as assigned lands, the petitioner and others filed a representation dated 24.03.2007 to delete their lands from the assignment register as the said lands are ryotwari lands.

3. Petitioner further submits that when the said representation was not considered and disposed, he filed W.P.No.13725 of 2007 which was disposed of by common order dated 05.09.2007 directing the Mandal Revenue Officer to consider and dispose the representation of the petitioner dated 24.03.2007 in accordance with law as expeditiously as possible within a period of six weeks from the date of receipt of a copy of the said order after giving reasonable opportunity to the petitioner and the petitioner was also permitted to file all the relevant documents in support of his claim that the said lands are not assigned lands but patta lands. Petitioner further submits that even before the said representation is being considered and disposed of the Mandal Revenue Officer made certain statements stating that the said lands are assigned lands and VUDA made a request to resume the said lands as the said lands are required for public purpose.

4. In view of the aforesaid statements, the petitioner made a representation dated 19.10.2007 before the District Collector, Visakhapatnam and as the said representation has not been considered and disposed of, the petitioner seeks a Writ of Mandamus to direct the first respondent to cause an impartial enquiry with regard to the nature and title of the lands of the petitioner with any other Officer other than the second respondent.

5. I am not inclined to express any opinion with regard to the said allegations against the second respondent. As this Court has already directed the second respondent to conduct an enquiry and pass appropriate orders on the representation of the petitioner dated 24.03.2007, I am of the opinion that unless an enquiry is conducted and unless the said representation is disposed of, status quo with regard to possession of the property in question shall be maintained.

The writ petition is disposed of directing the respondents to maintain status quo with regard to the possession of the property of the petitioner till the representation dated 24.03.2007 is considered and disposed of. There shall be no order as to costs.

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V. ESWARAIAH, J

November 19, 2007
DSK